

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This document relates to:

JUDGE: JOAN N. ERICKSEN
MAG. JUDGE: FRANKLIN L. NOEL

Echard, et al., v. 3M Company, et al.
Case Action No. 17-cv-04537

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

3M Company and Arizant Healthcare, Inc. ("Defendants" collectively) have moved this Court for an order dismissing plaintiff's claims with prejudice for failure to comply with Pre-Trial Order ("PTO") 14. Docs. 1240 and 1241.

Plaintiffs have not yet completed a Plaintiff Fact Sheet (PFS), nor returned executed copies of the documents required under PTO 14. At present, undersigned counsel is unaware of why Plaintiffs have been unable to comply with the requirements of PTO 14. Counsel for Plaintiffs have taken numerous steps to work with the clients to complete and execute the PFS:

- December 7, 2017, sent a letter detailing the requirement to complete a PFS.
- January 2, 2018, called clients and left a voicemail explaining PFS process.

- January 30, 2018, called clients and left a voicemail regarding PFS deficiency.
- February 20, 2018, called clients regarding PFS deficiency.
- March 15, 2018, called clients, but unable to leave a voicemail, regarding PFS deficiency.
- March 21, 2018, called clients regarding PFS deficiency.
- April 5, 2018, called clients and left a voicemail explaining the need to respond regarding time sensitive PFS issues.
- April 13, 2018, called clients and left a voicemail requesting response for time sensitive PFS issues.
- April 13, 2018, e-mailed clients requesting response for time sensitive PFS issues.
- April 16, 2018, called clients and left a voicemail explaining PFS urgency.
- April 18, 2018, called clients and left a voicemail explaining PFS urgency.
- April 23, 2018, called clients and left a voicemail explaining PFS urgency.
- April 26, 2018, called clients and left a voicemail explaining PFS urgency.
- April 27, 2018, sent a letter regarding status of case.
- May 1, 2018, called clients and left a voicemail explaining PFS urgency.
- May 7, 2018, called clients and left a voicemail explaining Defendants' Motion to Dismiss case.
- May 7, 2018, called clients and left a voicemail explaining multiple case issues.

Counsel for Plaintiffs, respectfully requests that the Court grant a 120-day extension to the deadline to file a completed PFS, or in the event the claims of plaintiffs are dismissed that the dismissal be without prejudice.

Dated: May 9, 2018

Respectfully submitted,

/s/ Amanda M. Williams

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